



## ***Land Use and Zoning Meeting Minutes***

*April 19, 2012*

STAFF:	David Radachy
DATE:	April 20, 2012
APPROVED BY:	<i>ju3</i>

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:28 p.m. by Chairman Welch.

Attendance was taken by sign-in sheet. The following members were present: Messrs. Constantine, Hanford, Kenyon, Klco, Morse, Terriaco and Welch, and Mmes. Diak, Malec and Ross. Staff: David Radachy.

Mr. Welch asked for any comments from the public. No comments were made.

Mr. Welch asked Mr. Radachy to present the cases. There were four cases on the agenda.

### **Madison Township Case – District Change, B-1 Business, and R-2, Single Family to R-4, Multi-Family.**

Staff stated that the property owner was requesting rezoning of 15.704 acres of land that he owns on Hubbard Road from B-1 and R-2 to R-4. The property consists of 17.824 acres, but 2.12 is already R-4. Staff stated that the property was currently vacant and that it was next to condominiums, to the north, single family adjacent on the north and south, apartments, on the southwest, vacant to the south and agriculture to the east. Staff stated that the owner owns the apartments adjacent to the southwest. That property is zoned B-1 and the apartments are a legal non-conforming use. When the apartments were built, it was legal to have apartments in a B-1 district.

Staff stated that the vacant property to the south was rezoned to R-4 in 2002 and it has not been developed. The comprehensive plan map shows the property to remain B-1 and R-2. Staff recommended that the zoning districts remain the same.

The committee asked why Madison wanted to keep the land B-1 and R-2. Staff didn't have a reason why. The comprehensive plan committee may have overlooked this area. They made a lot of changes on US 20 and other parts of the Township. Mr. Klco stated that they were concentrating on the commercial zones on US 20. They felt there was too much commercial land available. Staff stated that the Township is currently working on language to break up the commercial districts in a way to reduce the amount of retail land and allow for other, heavier commercial uses like contractors and auto repair outside of the core retail areas.

Staff stated multi-family use and senior uses are allowed in a PUD. Mr. Klco stated that the owners have tried to get a PUD approved and failed twice. They do not want to go the PUD route again. The committee discussed how apartments would not be a bad use in area. They also discussed how R-2 acted like a buffer between the A-R and the apartments.

Staff stated that the committee could go against staff's recommendation. If the committee decides to recommend rezoning the B-1 only and leaving the R-2, they should consider recommending the existing apartment buildings be rezoned to R-4 also. That would make it conforming.

The committee felt it would be a waste of money requiring the owner to rezone the non-conforming use. Staff stated that the zoning commission could do it for the owner at no charge.

Ms. Diak made a motion to recommend that the B-1 property be rezoned to R-4 and the R-2 property to remain R-2.

Mr. Kenyon seconded the motion.

All voted "Aye"

Motion passed

**Leroy Township Case – Text Amendment to Section 3, Districts; Section 7, General Requirements; Section 18, Industrial and Manufacturing; Section 29, Special Interchange District Regulations; Section 30, Site Plan Review; Section 31, Natural Resource Protection; and Section 32, Architectural Design Standards**

Staff stated that this text amendment is in response to the Planning Commission recommendations from February 2012. They are required to do another public hearing because they are changing sections that they did not notify the public they were going to change the sections.

They are deleting Sections 18 and 29. They revised the names of the NB and TC to B-3, Local Business, and B-4, Community Business. They replaced "All uses in the Industrial and Manufacturing District (I) shall conform..." with "All uses in Leroy Township shall conform"...they moved this language to Section 7.12 in the General Requirements. They added the new districts to Sections 3, 30 and 32. Staff stated that they did not understand why they resubmitted section 31. There are no changes. Mr. Kenyon stated that is what the Planning Commission requested that Leroy Township do. The Committee asked why they submitted Sections 18 and Section 29 with three words each, "for future use". Staff stated that technically, this is a text replacement. Section 18 and 29's language was added to Section 17. They are currently deleting all the repeated text in Section 18 and 29 and replacing it with the three words. They could have submitted Section 18 and 29 with all the text struck out.

Staff made a recommendation that the text be accepted.

Mr. Klco made a motion to accept staff's recommendations.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

### **LeRoy Township Case – District Change of 45.702 Acres B-1 to B-3, Community Business**

Staff stated that now that they created a new B-3, Community Business, the Zoning Commission decided to add it the Zoning Map. They are rezoning land that is located on Painesville-Warren Road (SR 86), LeRoy Center, and Huntoon. This area is also known as Five Points. The land is currently zoned B-1 and there are a couple of businesses close to the intersection and some homes that are legal non-conforming uses.

The comprehensive plan recommends commercial and retail districts to be attractive, inviting, convenient, and respectful of the rural character of the township. It goes on to state that the Township should establish a commercial, traditional town center at Five Points and they should remove commercial zoning on properties fronting Painesville Warren Road between Mildon Drive and Callow Road, to prevent the creation of a strip commercial district in the Five Points area. Staff stated that part of the final recommendation was done. The strip zoning no longer goes to Callow, but there is a little bit by Mildon.

Staff recommends approving the district amendment with the recommendation that the 0.19 acre section of 7A-5A-39 and 7A-5A-41 zoned B-1 be rezoned R-1 instead of B-3. Staff's recommendation on parcel 7A-5A-41 would make the district change conform to the Comprehensive Plan. There was no discussion on this issue.

Mr. Morse made a motion recommending the district change be made with staff's recommendation of rezoning 7A-5A-41 and the 0.19 acres of 7A-R-39 R-1.

Mr. Klco seconded the motion.

All voted "Aye".

Motion passed.

### **LeRoy Township Case – District Change of 2.11 Acres B-1 to B-4, Neighborhood Business**

Staff stated that now that they created a new B-4, Neighborhood Business, the Zoning Commission decided to add it the Zoning Map. They are rezoning land that is located on Painesville-Warren Road (SR 86), and Girdled Road. The land is currently zoned B-1 and there is one business, a bar, and two houses that are legal non-conforming uses.

The comprehensive plan recommends commercial and retail districts to be attractive, inviting, convenient, and respectful of the rural character of the township. It goes on to state that the Township should restrict the expansion of business at this intersection.

Staff recommends approving the district amendment; it conforms to the Comprehensive Plan. There was no discussion on this issue.

Ms. Diak made a motion recommending approval.

Mr. Terriaco seconded the motion.

All voted "Aye".

Motion passed.

Mr. Welch asked for any new business. There was none.

Mr. Welch asked for any old business. There was none.

There was no public comment.

The meeting adjourned at 7:05 PM.